UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,081	04/02/2001	L. Scott Rich	RSW9-2001-0074-US1	1696

7590 03/20/2007 Mark D. Simpson Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950	**EXAMINER** RUTTEN, JAMES D

ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		09/825,081	RICH ET AL.
		Examiner	**Art Unit**	
		J. Derek Rutten	2192	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. .

Disposition of Claims

4)☒ Claim(s) *3-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 2/13/07 has been entered.

2.   This action is in response to Applicant's submission filed 2/13/07, responding to the

11/13/06 Office action which detailed the rejection of claims 3-5. Claims 3-5 have been

amended. Claims 3-5 remain pending in the application and have been fully considered by the

examiner.

Response to Arguments/Amendments

3.   The amendments have overcome the rejection of claims –35 under 35 U.S.C. § 112, 1st

paragraph. Therefore, this rejection has been withdrawn.

4.   On page 7 filed 2/13/07, Applicant essentially argues that the prior art of record

Kronenberg does not disclose determining a loading strategy based upon the format of the files

to be loaded. However, as seen in Fig. 3 elements 302, 303, and 305, a loading strategy is

determined based upon the format of the files to be loaded. If the format is an "archive file"

(element 303), the loading strategy is determined by proceeding to element 304. If the format is

a "virtual folder" (element 305), the loading strategy is determined by proceeding to element

306. Thus, a loading strategy is determined based upon the format of the files to be loaded.

Therefore, Applicants' argument is not persuasive.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art

of record US Patent No. 5,907,703 to Kronenberg et al. (hereinafter "Kronenberg") in view of

US Patent No. 5,241,670 to Eastridge et al. (hereinafter "Eastridge").

In regard to claim 3, Kronenberg discloses:

A method for returning files to a client of an enterprise application (column 7 line

34 – column 8 line 25), *comprising the steps of:*

requesting the loading of a file set comprising a list of one or more files each

stored under a predetermined path and filename in said list; See column 2 lines 33-40:

> Turning next to FIGS. 3, 4, and 5 a preferred embodiment of a device driver program embodying the present invention begins by receiving a file system request from the operating system at step 301. The file system request contains information indicating the type of request to be performed, the identity of the file on which the operation is to be performed, and any other information needed to perform a successful operation.

determining if the files listed in the requested file set are in an archive format, or

a directory tree format; See column 2 lines 45-49:

> At step 302, the driver determines if the file system request is a request to enumerate the contents of a folder. If the answer at step 302 is affirmative, then at step 303, the driver checks to see if the enumeration points to an archive file.

creating a loading strategy based on said determination, wherein said loading

strategy is created based upon the format of the files; See column 2 lines 55-57:

> If the answer to step 303 is affirmative, then at step 304 the device driver creates, in RAM a virtual folder that represents the archive file.

creating a virtual archive using the loading strategy, the virtual archive

comprising a stored list of proxies enabling the files identified in the requested file set to

be located; See column 2 lines 55-57:

> If the answer to step 303 is affirmative, then at step 304 the device driver creates, in RAM a virtual folder that represents the archive file.

Also see column 3 lines 4-8:

> If the answer to step 305 is affirmative, then the contents of the virtual folder are revealed at step 306. By "revealing", it is meant that the contents are made available to the operating system. These contents are contents of the archive that the virtual folder represents.

upon the execution of a save function, performing a deferred copying process on

contents of all of said one or more files in said file set, and storing the contents to an

archive on disk, wherein the contents are retrieved by one of said loading strategies in

said virtual archive.

See column 4 lines 50-54:

> then at step 509 the driver determines whether the operation is a **write operation**. If the answer is affirmative, then at step 514, the driver determines whether the file has been decompressed. If it has, at step 519 **the driver copies the write data to memory.** [emphasis added]

Note that the copying process is deferred until a "write" command is received. Further,

see column 4 lines 5-7, e.g. "the driver updates the archive central directory and the files

affected in the archive."

Kronenberg does not expressly disclose copying *all of said one or more files in said file set*. However, Eastridge teaches that a full backup copies all the files in a file set. E.g. "FULL backup", column 1 lines 45-48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eastridge's teaching of a full backup with Kronenberg's deferred copying in order to present a consistent view of data within the dataset (see Eastridge column 1 lines 52-54).

In regard to claim 4, Kronenberg discloses a system (column 7 lines 3-33). All further limitations have been addressed and/or set forth in the above rejection of claim 3.

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kronenberg and Eastridge in view of prior art of record US 6286051 B1 to Becker et al. (hereinafter "Becker").

In regard to claim 5, Kronenberg does not expressly disclose a computer program product. All further limitations have been addressed and/or set forth in the above rejection of claim 3. However, Becker teaches using a computer program product. See Fig. 4 elements 76 and 78 and column 6 lines 15-56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Becker's computer program product with Kronenberg's program product in order to load the program for use in a workstation as suggested by Becker (column 4 lines 18-34).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The

examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jdr

TUAN DAM
SUPERVISORY PATENT EXAMINER